IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.826 OF 2005

Raju Yallappa Gaikwad & Ors. ...Applicants

Versus

State of Maharashtra ...Respondent

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Mr.P.R.Arjunwadkar for Applicants.

Mr.D.R.More, A.P.P. for Respondent.

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**CORAM: A.M.KHANWILKAR, J.**

**FEBRUARY 14, 2005.**

**P.C.**

1. Heard Counsel for the parties.

2. The Applicants have been arrested on 1st November 2004 in connection with Crime No.I 223 of 2004. The argument as canvassed on behalf of the Applicants seems to be prima facie acceptable. Till the date of arrest of the Applicants i.e. 1st November 2004, there is nothing on record to suggest that they were named by any witness, whose statements were recorded till that date. Atleast the learned A.P.P. has not invited my attention to

any such material. In other words, without there being any plausible material on record to indicate the complicity of the Applicants, the Applicants came to be arrested by the Investigating Officer. It appears that the evidence to indicate complicity of the Applicants has been collected thereafter. No description of the Applicants is given in the complaint as filed. No recovery has been made at the instance of the Applicants. Besides, as rightly contended on behalf of the Applicants, no role has been ascribed to the Applicants. The complaint indicates that two persons actively assaulted the injured; one was Pramod Nandurkar and the other was Shivanand Hature. From both of them, recovery of knife has been made.

3. As investigation is complete and charge-sheet has been filed, taking overall view of the matter, the Applicants deserve to be granted bail on the following strict conditions:

(a) The Applicants are released on bail in connection with C.R.No.I 223 of 2004 registered with Vijapur Naka Police Station on executing personal bond in the sum of Rs.25,000/- each

(Rupees Twenty-five Thousand) with one or two local sureties in the like amount.

(b) The Applicants shall report to the concerned Police Station once in a month on first Saturday of every English Calender month between 10.00 a.m. and 2.00 p.m.

(c) The Applicants shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicants shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicants are responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.